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United States Senate  
WASHINGTON, DC 20510 - 3505

March 3, 2023

Janet Yellen  
Secretary, U.S. Department of the Treasury  
1500 Pennsylvania Ave NW Ste 2000  
Washington, DC 20220

Dear Secretary Yellen:

I urge you to swiftly provide guidance from the Department of Treasury (Treasury) with respect to the Investment Tax Credit (ITC) included in the bipartisan CHIPS and Science Act, enacted by Congress last year. You and I share a commitment to investing in American manufacturing, including increasing the domestic production of semiconductors — an economic and national security imperative. Paired with the CHIPS incentives managed by the Department of Commerce, implementation of the ITC will help strengthen our domestic semiconductor supply chain, create good-paying jobs, and bolster the economies of communities across the industrial heartland.

When Congress passed the CHIPS and Science Act, we intended to pair grant opportunities with the ITC to facilitate the reshoring of semiconductor manufacturing in the United States. This week the Department of Commerce issued its notice of funding opportunities for “Commercial Fabrication Facilities.” Now is the time for Treasury to issue the rules for ITC eligibility.

Ohio – with its world-class universities, skilled workforce, federal assets like Wright Patterson Air Force Base, and abundant resources – is an ideal location for a vibrant semiconductor sector. Intel recognized this and began construction on two, state-of-the-art fabrication facilities in Ohio. This \$20 billion investment will help transform the region. The ability to claim the ITC, paired with a CHIPS grant, will ensure that this investment is competitive with foreign facilities and help develop a semiconductor ecosystem in Ohio and throughout the Midwest.

As you finalize guidance with respect to the ITC, I urge you to engage with industry stakeholders and consider the timelines of taxpayers that intend to claim the credit, so that the guidance from Treasury provides maximum flexibility and allows for robust investment in semiconductor manufacturing. To the extent that Treasury works in coordination with other agencies to develop the guidance, I urge you to ensure a meaningful NEPA process but to be mindful of the constraints a burdensome review can impose on investment.

Congress passed, and President Biden signed, the CHIPS and Science Act because of our shared commitment to reinvigorating American manufacturing and positioning the U.S. as a global leader in semiconductor production. I appreciate your prompt attention to this issue and look forward to our ongoing work to advance America's leadership on semiconductor manufacturing well into the future.

Sincerely,

A handwritten signature in blue ink that reads "Sherrod Brown". The signature is written in a cursive, flowing style with a blue highlight effect.

Sherrod Brown  
United States Senator